

REMARKS

The Examiner rejects claims 1-11 and 16-37 under 35 U.S.C 103(a) as being unpatentable over Heddaya et al. (U.S. Patent No. 6,205,481) in view of Balassanian (U.S. Patent Application Serial No. 2005/0021857 A1).

The Examiner rejects claims 12-15 under 35 U.S.C. 103(a) as being unpatentable over Heddaya-Balassanian as applied above, and in further view of Dillon (U.S. Patent No. 6,016,388).

The Examiner stated in the Final Office Action that the declaration filed on March 22, 2007 was insufficient to establish diligence from a date prior to the date of reduction to practice of the Balassanian reference to either a constructive reduction to practice or an actual reduction to practice. Applicant hereby submits a replacement declaration that addresses this aspect. Specifically, Applicant points the Examiner to item 4 in the declaration. As such, Applicant respectfully maintains that the rejections utilizing the Balassanian reference should be withdrawn.

The Examiner rejects claims 1-7 and 16-37 under 35 U.S.C, 102(e) as being anticipated by Dias et al. (U.S. Patent No. 6,317,778).

In Amendment F, Applicant argued that Dias teaches content based routing to a data cache, not from a data cache. In response to this, the Examiner states that “the system disclosed teaches both metric to store data to a cache as well as to forward data to a client. Specifically, Dias teaches routing data by forwarding data from a cache to another network device in the network, e.g., network dispatcher routers data to a client device or another network cache. See Dias, Col. 3, line 64 - col. 4, line 28.” Applicant respectfully disagrees. The Examiner had previously argued that the “Content Based Routing” described in Col. 12, line 40 through Col. 13, line 67 constitutes “selecting one of a plurality of routing options” However, the content based routing in Dias is only described as being performed on requests sent to a data cache, not requests sent from a data cache. The Examiner’s citation of Col. 3, line 64 - col. 4, line 28 is irrelevant because there is no description in Dias of the content based routing being applied to the proxy-based forwarding of requests described in Col. 3, line 64 - col. 4, line 28. As such, Dias fails to teach or suggest “routing the data traffic according to the selected routing option.”

If anything, this newly cited portion of Dias would only teach routing the data traffic according to a second routing option (cache hit or cache miss).

Nevertheless, Applicant still maintains that Dias fails to teach or suggest “selecting one of a plurality of routing options for the data traffic with reference to information in the application layer” because Dias’ content-based routing is based upon the requested object location, not information in the application layer. The Examiner fails to address this argument in the Final Office Action.

The Examiner further argues it is not necessary for Dias to describe the data cache itself performing the routing because that feature is not in the rejected claims. Applicant has amended claims 1, 16, and 20-23 to make clear that the selection of the routing option is performed at the data cache.

Additionally, Applicant also has amended claims 1, 16, and 20-23 to make clear that the determination of a destination network device is not the same as the selecting of the routing option. Namely, the routing option involves something other than simply the location to which the data is to be sent. Dias clearly does not teach or suggest such a limitation as Dias’ decision-making is limited to “where to send the request.” The “cache node handoff” decision described in item 31 of the Final Office Action is simply the decision as to where the request is being sent. The fact that the decision is made twice such that the request is delivered to a first cache before being delivered to a second cache does not make it a decision about a potential routing path. It simply makes it a decision about where to send the request that is being made twice (the second time is only after it has been determine that there is a cache miss).

For the above reasons, the Applicant respectfully maintains that claims 1, 16, and 20-23 are allowable over Dias and requests that the rejection be withdrawn.

Dependent claims 2-11, 17-19, and 24-37 are also patentably distinct from the cited references for at least the same reasons as those recited above for the independent claim, upon which they ultimately depend. These dependent claims recite additional limitations that further distinguish these dependent claims from the cited references. For at least these reasons, claims 2-11, 17-19, and 24-37 are not anticipated or made obvious by the prior art outlined in the Office Action.

The Examiner rejects claims 11-15 under 35 U.S.C. 103(a) as being unpatentable over Dias-Balassanian as applied above, and further in view of Dillon (U.S. Patent No. 6,016,388).

Dependent claims 11-15 are also patentably distinct from the cited references for at least the same reasons as those recited above for the independent claim, upon which they ultimately depend. These dependent claims recite additional limitations that further distinguish these dependent claims from the cited references. For at least these reasons, claims 11-15 are not anticipated or made obvious by the prior art outlined in the Office Action.

Furthermore, since Balassanian is unavailable as a prior art reference, Applicant maintains that this rejection should also be withdrawn for that reason.

Applicant believes that all pending claims are allowable and respectfully requests a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Respectfully submitted,
BEYER WEAVER LLP

/Marc S. Hanish/
Marc S. Hanish
Reg. No. 42,626

P.O. Box 70250
Oakland, CA 94612-0250
408-255-8001